

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO. 09/659,453
ATTORNEY DOCKET NO. Q60663

REMARKS

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority, and for indicating that the certified copy of the priority document, German Patent Application No. 19947535.0 dated October 2, 1999, has been made of record in the file.

Applicant thanks the Examiner for initialing the references listed on the PTO-1449 form submitted with the Information Disclosure Statement filed on September 11, 2000, thereby confirming that the listed references have been considered.

The Examiner objects to the specification due to informalities. Applicant herein amends the specification in order to remove the informalities. No new matter was added by the amendments to the specification. Applicant believes that the Examiner's objection has been overcome by the amendments to the specification, and respectfully requests that the Examiner's objection to the specification be withdrawn.

The Examiner objects to claims 1-4 because of awkward language, and further objects to claims 5 and 6 as containing the same reference numeral that refers to different portions of the invention. Applicant herein amends claims 1-6 to remove the reference numerals in their entirety, and to improve the clarity of the claim language. The amendments to claims 1-6 do not add any new matter, and the amendments to claims 1-6 were not made for reasons of patentability. Applicant believes that the Examiner's objection has been overcome by the amendments to claims 1-6, and respectfully requests that the Examiner's objection to claims 1-6 be withdrawn.

Applicant herein adds new claims 7-9. Support for new claims 7-9 can be found at, for example, at pages 3 and 4 of the originally filed specification, the drawing figure, and the originally

filed claims. New claims 7-9 do not add any new matter. Entry and consideration of the new claims is respectfully requested.

Claims 1-9 are all the claims presently pending in the application.

1. Claims 1-6 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Cameron et al. (U.S. Patent No. 6,317,490). The rejection of claims 1-6, and insofar as the rejection applies to new claims 7-9, is respectfully traversed at least for the reasons set forth below.

To support a conclusion that a claimed invention lacks novelty under 35 U.S.C. § 102, a single source must teach all of the elements of a claim. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379 (Fed. Cir. 1986). A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). A single source must disclose all of the claimed elements arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the cited reference must clearly and unequivocally disclose every element and limitation of the claimed invention.

Cameron et al. disclose, *inter alia*, a real-time account query apparatus for displaying a billing summary for a telephone account. Cameron et al. disclose a relationally linked account that has information relating to when a telephone call was made, the called number, the duration of the call and the cost of the call. *See* col. 3, lines 36-44 of Cameron et al. If a user wishes to see a summary of his/her account in real-time, a request is made and the account details, such as total cost

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of calls made and total time of calls made, is retrieved and displayed. *See* col. 3, lines 59-65 of Cameron et al.

Cameron et al. do not teach or suggest requesting tariff information in order to determine the costs of a to-be-completed telephone call or an on-going telephone call, such that cost information can be forwarded to the user prior to the completion of the to-be-completed telephone call or during the on-going telephone call, as recited in claim 1. Cameron et al. do not disclose the immediate determination of cost information for an on-going or to-be-completed call, and the subsequent forwarding of that cost information. Instead, Cameron et al. disclose forwarding cost information in the form of billing summaries for telephone calls that are *already completed*. *See* col. 3, lines, 23-31; lines 58-65; col. 4, lines 51-56; col. 5, lines 36-40; col. 6, lines 41-44 of Cameron et al. Unlike the present invention, there is no teaching or suggestion in Cameron et al. of providing cost information to the subscriber for to-be-completed telephone calls or on-going telephone calls. Instead, Cameron et al. rely on the length of the completed call in order to determine the cost information that is presented to the subscriber. *See, e.g.*, col. 5, lines 36-40 of Cameron.

Based on the foregoing reasons, Applicant believes that the Cameron et al. fail to disclose all of the claimed elements as arranged in claim 1. Therefore, under *Hybritech* and *Richardson*, Cameron et al. clearly cannot anticipate the present invention as recited in independent claim 1. Thus, Applicant believes that claim 1 is in condition for allowance, and further believes that claims 2-4 are allowable as well, at least by virtue of their dependency from claim 1. Applicant respectfully requests that the Examiner withdraw the § 102(e) rejection of claims 1-4.

With respect to claim 5, Cameron et al. fail to teach or suggest a tariff server that provides a tariff response based on a tariff inquiry for a to-be-completed telephone call or a on-going telephone call. To the extent that Cameron et al. allegedly discloses a tariff server¹, there is no teaching or suggestion in Cameron et al. that the tariff server provides tariff data in response to a tariff inquiry from an exchange, wherein the exchange is handling a to-be-completed telephone call or a on-going telephone call. All that Cameron et al. disclose is a database that stores rate information that is used to calculate the call cost, which are stored in the subscriber's account billing information.

Based on the foregoing reasons, Applicant believes that the Cameron et al. fail to disclose all of the claimed elements as arranged in claim 5. Therefore, under *Hybritech* and *Richardson*, Cameron et al. clearly cannot anticipate the present invention as recited in independent claim 5. Thus, Applicant believes that claim 5 is in condition for allowance, and further believes that claim 6 is allowable as well, at least by virtue of its dependency from claim 5. Applicant respectfully requests that the Examiner withdraw the § 102(e) rejection of claims 5 and 6.

New independent claim 7 has similar recitations as claim 1, and Applicant believes that new claim 7 is allowable for at least the same reasons as claim 1, namely, Cameron et al.'s lack of disclosure with respect to a tariff inquiry for a to-be-completed telephone call or an on-going telephone call, and the generation of cost information based on the response to the tariff inquiry. The exchange disclosed by Cameron et al. processes data for completed calls, and not for to-be-

¹ The Examiner argues that the rate database 60 (col. 5, lines 2-4) is equivalent to the tariff server of the present invention.

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completed or on-going telephone calls. Applicant further believes that new claims 8 and 9 are allowable as well, at least by virtue of their dependency from claim 7.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


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Approved
Q.7

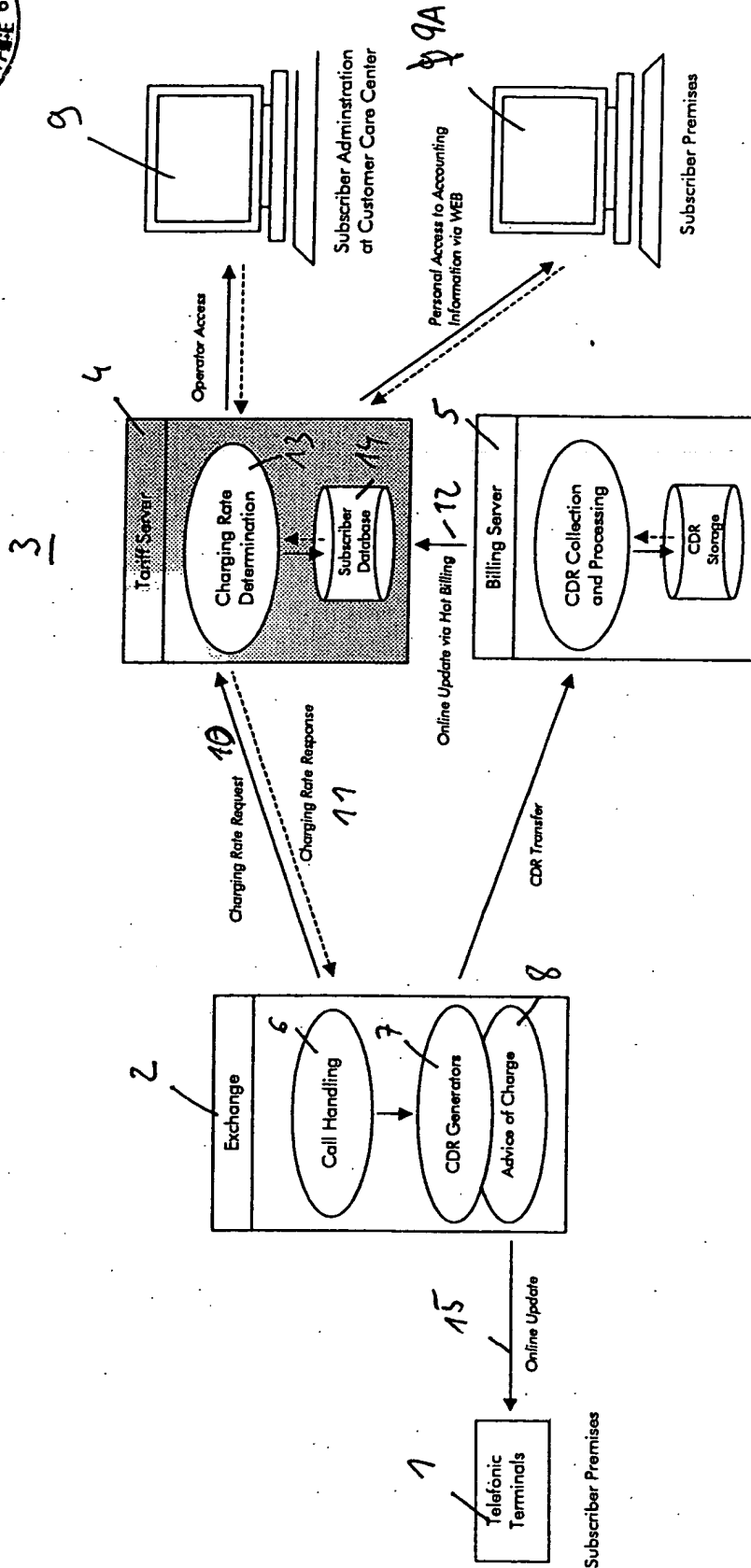


Fig. 1:
 Figure: System Configuration with Tariff Server